**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES THOR KIRK,

     Petitioner,

v.   No. CV 15-0614 MV/KBM

GREGG MARCANTEL,

     Respondent.

<u>ORDER FOR ANSWER</u>

This matter is before the Court on Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 4) and, under rule 4 of the Rules Governing Section 2254 Proceedings, on Petitioner's (amended) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 3).   It appearing that the petition may not be subject to summary dismissal,

IT IS THEREFORE ORDERED that Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 4) is GRANTED, and Petitioner may proceed without prepayment of costs or other fees or the necessity of giving security therefor;

IT IS FURTHER ORDERED that the Clerk is directed to forward copies of this Order and the petition (Doc. 3) and supporting papers and exhibits, if any, to Respondent and the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondent answer the petition within thirty (30) days from entry of this Order.   Respondent's answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by <u>both</u> parties in

support of or in response to those pleadings.   Respondent shall also attach to the answer copies of

all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's

state court post-conviction or appellate proceedings.   The answer must describe the procedural

history of each claim that Respondent contends is unexhausted and identify the State procedures

that are currently available to Petitioner.

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UNITED STATES CHIEF MAGISTRATE JUDGE